

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CR-87-F-1

UNITED STATES OF AMERICA)
)
)
v.) **ORDER**
)
)
AARON MELVIN)

This matter is before the court on Defendant Aaron Melvin's letter motion received June 1, 2015 [DE-87]. In his motion, the defendant (1) asserts that he did not receive a "Fair Sent. Act - 2pt reduction," and asks what he needs to do to receive it; and (2) requests copies of his docket sheet, sentencing transcript, and statement of reasons. *Id.*

First, as to a two-point reduction to the defendant's sentence, the defendant has not specified to which reduction he is referring. The court is unaware of any two-point reduction to which the defendant might be entitled. The most recent Drug Quantity Table reduction, pursuant to United States Sentencing Guideline Amendment 782, was already in place when the defendant was sentenced. He received the benefit of that reduction. If there is some other reduction to which the defendant is referring, he is advised to more specifically indicate the reduction to the court.

Second, as to the requested documents, the defendant's request is ALLOWED IN PART and DENIED IN PART. Regarding the docket sheet, the Clerk of Court is DIRECTED to mail Melvin a copy of the docket sheet. As to the Statement of Reasons, the defendant is directed to obtain a copy of the Statement of Reasons from his attorney or his case manager. A copy of the same was sent to the Bureau of Prisons.

As to the requested transcripts, 28 U.S.C. § 753(f) addresses the circumstances under which transcripts may be provided to an indigent defendant at the government's expense. The statute, in pertinent part, provides as follows:

Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. § 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

28 U.S.C. § 753(f). An indigent defendant may be entitled to transcripts at the government's expense if he has stated a proper ground for relief and the transcripts are indispensable. *United States v. Glass*, 317 F.2d 200, 202-03 (4th Cir. 1963). An indigent defendant is not entitled to transcripts at the government's expense "merely to comb the record in the hope of discovering some flaw." *Id.* at 202.

The defendant has not stated a need for his sentencing hearing transcript. Thus, the court concludes that the defendant has not sufficiently stated a particularized need. The Clerk of Court is DIRECTED to provide the defendant with information on how he might obtain a copy of his sentencing hearing transcript.

SO ORDERED.

This, the 4th day of June, 2015.



JAMES C. FOX
Senior United States District Judge